

creator configured to create an inquiry file having “patient data and medical treatment data both extracted from the database” and inquiry contents. To support the rejection, the PTO must provide a proper reason for why someone would want to put an order for a blood test into a database and then extract it to create a service request. Applicants previously stated that the only reason the PTO provides is that the modified system would provide a further detailed medical record.

The Advisory Action seems to imply that applicants have misrepresented the PTO’s argument. The Advisory Action indicates that the reason that Akers et al. would suggest modifying the Berman et al. system is that it would enhance the system of Berman in order to allow the fulfillment legacy server user to provide commenting regarding a service request (which would thereby provide a more detailed report).

However, a statement of how the modified Berman et al. system would have been enhanced only implies how one skilled in the art would have appreciated the modification *after learning about it*. The PTO still has not provided any evidence that someone would have thought of such a modification *before* being notified of it.

The PTO has not cited any prior art disclosing that someone would have been thinking of a “more detailed report.” Even if it did provide such prior art, there is no explanation of how putting an order for a blood test into a database and then extracting it to create a service request would make the report any more detailed than if the database were not used. The PTO’s modification would make a more complex process for ordering a service request. There is no reason to think that the resulting report would be more detailed.

Response under 37 C.F.R. § 1.114
Serial No. 09/987,017
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Thus, applicants maintain that the obviousness rejection should be withdrawn. However, if the PTO ultimately decides to maintain the rejection, applicants request that the next Office Action fully explain (with supporting prior art documentation) why a person skilled in the art would have thought of the modification described in the Office Action *before* being notified of it instead of merely appreciating *after* learning of the modification that there would have been an enhancement. Also, applicants would request that the PTO explain why the more complex process for ordering a service request would make the report any more detailed than if a database were not used.

In view of the recent and present remarks, applicants now request the withdrawal of the obviousness rejection. Further, applicants now submit that the application is in condition for allowance, and a Notice of Allowability is hereby requested.

If necessary, the undersigned authorizes deducting any fees that may be due from Deposit Account No. 50-2866.

Respectfully submitted,

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